

facie case, the Examiner must not only show that the combination includes *all* of the claimed elements, but also a convincing line of reason as to why one of ordinary skill in the art would have found the claimed invention to have been obvious in light of the teachings of the references. *Ex parte Clapp*, 227 U.S.P.Q. 972 (B.P.A.I. 1985). When prior art references require a selected combination to render obvious a subsequent invention, there must be some reason for the combination other than the hindsight gained from the invention itself, i.e., something in the prior art as a whole must suggest the desirability, and thus the obviousness, of making the combination. *Uniroyal Inc. v. Rudkin-Wiley Corp.*, 837 F.2d 1044, 5 U.S.P.Q.2d 1434 (Fed. Cir. 1988). One cannot use hindsight reconstruction to pick and choose among isolated disclosures in the prior art to deprecate the claimed invention. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988).

Claim 1 and The Claims Depending Therefrom

Claim 1 recites:

A medical facility data communications system, the system comprising:
an internal data communications network;
a plurality of clients coupled to the internal network and uniquely addressed on the internal network; and
a data communications control system coupled to the internal network for receiving client data from the clients, transmitting client data to a remote service provider, receiving addressed data from the remote service provider, and distributing the addressed data to the clients.

The Examiner rejected independent claim 1 under 35 U.S. §103(a) as being unpatentable over Wong et al. (U. S. Pat. No. 6,260,021) in view of the Microsoft Computer Dictionary. Applicants respectfully traverse this rejection. Applicants contend that the Examiner's rejection simply cannot stand for the following reasons. First, the Wong et al. reference does not disclose all of the claimed elements, as summarized below. Secondly, the Examiner's "well known in the art" reference, the Microsoft Computer Dictionary, fails to cure the deficiencies of the Wong et al. reference. Finally,

the Examiner's combination is improper, as the references provide no suggestion or motivation for the combination, and are inconsistent with the proposed combination.

1. The References Do Not Disclose At Least the Third Set of Recitations of Claim 1.

Claim 1 recites:

an internal data communications network.

The Examiner argues that this element is taught by the network links 36 in the Wong et al. reference.

Claim 1 further recites:

a plurality of clients coupled to the internal network and uniquely addressed on the internal network.

The Examiner argues that this element is taught by the workstation 38 connected via the network links 36 in the Wong et al. reference.

Claim 1 then recites:

a data communications control system coupled to the internal network for receiving client data from the clients, transmitting client data to a remote service provider, receiving addressed data from the remote service provider, and distributing the addressed data to the clients.

The Examiner admitted that the Wong et al. reference fails to explicitly teach this entire set of recitations.

As these later elements are not disclosed in the Wong et al. reference, the Examiner alleged that these elements are "well known in the art." In the Response to the Office Action dated March 1, 2002, the Applicants respectfully requested the Examiner to provide support under M.P.E.P. § 2144.03 for the Examiner's apparent assertion of what is "well known in the art."

To provide support for the assertion of elements that are "well known in the art," the Examiner cited to the definitions of a Domain Name System ("DNS"), Domain Name System Server, and a Remote Access Server ("RAS") in the Microsoft Computer Dictionary. These definitions, however, do not cure the deficiencies of the Wong et al. reference.

The Examiner uses these definitions to assert:

The Examiner hereby directs Applicant's [sic] attention to the copies provided from the Microsoft Computer Dictionary (cited herewith) with definition of a Domain Name System (DNS), Domain Name System (DNS) server and remote access service, which is clearly evidence that while using the Internet as indication by the reference of Wong et al., a data communication control system utilize DNS and DNS Server to provide addresses enabling computer to access and connect with a server for receiving and transfer information. As such, the knowledge and use of data communications control system for transmitting client data to a remote service provider has clearly existed in the art prior to Applicant's claimed invention and the courts have held that even if a patent does not specifically disclose a particular element, said element being within the knowledge of a skilled artisan, the patent taken in combination with that knowledge, would put the artisan in possession of the claimed invention. *In re Graves*, 36 USPQ 2d 1697 (Fed. Cir. 1995).

The Examiner asserts that the Microsoft Computer Dictionary definitions along with the teachings in the Wong et al. reference disclose the recitations that are explicitly missing from the Wong et al. reference.

2. The "Well Known in the Art" Reference Does Not Provide the Missing Elements.

The Microsoft Computer Dictionary does not disclose the elements of "a data communications control system" or "a remote service provider," as recited in claim 1. Thus, with regard to the "data communications control system," the DNS and DNS server definitions fail to cure the deficiencies of the Wong et al. reference. Indeed, a DNS and

DNS server are merely one method of changing a named item into a network address. In fact, a DNS or DNS server is used in a network to convert names, such as .com, .net, or .org, into IP addresses that are associated with each name. While “a data communications control system” may use a DNS server, as suggested by the Examiner, the definitions fail to disclose the “data communications control system,” as recited in the claim. Clearly, these generic definitions do not disclose the *data communications control system* that is described throughout the present application.

Furthermore, the Microsoft Computer Dictionary fails to disclose the element of “a remote service provider.” In the Office Action, the Examiner appears to equate the Remote Access Service to a “a remote service provider.” As defined in the Microsoft Computer Dictionary, a Remote Access Service is merely a portion of a Windows software program that allows a user to gain access to the network server via a modem. While Remote Access Service may be utilized by the present technique, as suggested by the Examiner, the definition fails to disclose the claimed subject matter because a software program cannot be the “remote service provider,” recited in the claims. The Microsoft Computer Dictionary definition clearly does not disclose the *remote service provider*, as described throughout the present application. See Application, page 8, lines 19-27. As the Remote Access Service fails to disclose a “remote service provider,” the definition cannot cure the deficiencies of the Wong et al. reference.

Accordingly, the Examiner’s “well known in the art” assertions fail to render claim 1 and the respective dependent claims 2-16 obvious. Thus, claim 1 and the respective dependent claims 2-16 are believed to be patentable over the Wong et al. reference. For these reasons alone, the Applicants respectfully request the Examiner to withdraw the rejections of claims 1-16 under 35 U.S.C. § 103. However, in addition to these reasons, the Examiner’s suggested combination is improper as discussed below.

3. The Proposed Combination is Not Supported by and is Inconsistent with the References.

Finally, the Examiner's reasoning unravels when one simply attempts to place the Microsoft Computer Dictionary terms into the Wong et al. system in a forced argument that the missing elements could be somehow inferred to one skilled in the art. The combination of the Wong et al. reference with the Microsoft Computer Dictionary is not supported by the references. Following the Examiner's analysis, for the sake of argument, let us assume that the network links 36 are equivalent to "an internal data communications network," while the workstations 38 connected to the network links 36 are equivalent to "a plurality of clients coupled to the internal network and uniquely addressed on the internal network." In the Wong et al. reference, the *only* other element connected to the network links 36 is the medical image server 12. See Wong et al., Fig. 1. The medical image server 12 provides information distribution between the first tier and the third tier systems. See Wong et al., col. 7, lines 11-14. The first tier systems include existing medical image information systems, such as systems 14 and 16. See Wong et al., col. 7, lines 1-6. The third tier systems include client systems, such as workstation 38.

Thus, under the Examiner's analysis, the medical image server 12 of Wong et al. must somehow be replaced by the Microsoft Computer Dictionary definitions to provide the elements that are allegedly "well known in the art." The functions of the medical image server 12 of Wong et al. are, however, inconsistent with such replacement, and are antithetical to the language of claim 1. According to Wong et al., the medical image server 12 is only taught to connect the network links 36 to the first tier items, which are internal hospital systems. *This is exactly the opposite of the system of claim 1.* According to the claim, the data communications control system communicates with a remote service provider, which is not on the internal network.

Again, the medical image server 12 of Wong et al. provides uniform distribution of information from the hospital systems to the workstation 38. This is the only and essential function of that element in the Wong et al. reference. This essential function is not and cannot be taught by the Microsoft Computer Dictionary. Rather, the Microsoft Computer Dictionary discloses computer software and network system definitions that are merely one of many different technologies that may be used within a network. The RAS definition merely teaches that a Windows software program may be used to gain access to a network server via a modem. Likewise, the DNS and DNS server definitions are simply an approach used to convert a specific name into an IP address. Clearly, the internal hospital systems of Wong et al. are not analogous to the DNS, DNS server, and RAS as proposed by the Examiner and would entirely lose their function in the Wong et al. system. Similarly, the essential function of the server 12 of Wong et al. would be completely redundant with the elements proposed by the Examiner.

Indeed, the Wong et al. reference and the Microsoft Computer Dictionary do not even provide a suggestion or motivation to combine. As discussed above, the Wong et al. is directed to creating a three-tiered information system. See Wong et al., col. 3, lines 20-22. In fact, the Wong et al. reference specifically teaches that the tiered levels interact with the medical image server 12 to provide uniformity. See Wong et al., col. 7, lines 9-14. However, in providing this tiered information system, the reference is devoid of any discussion related to DNS, DNS server, or even a RAS. Instead, the reference discloses that specific protocols, such as COBRA, IDL, and IIOP, may be utilized to assist in providing the uniformity. See Wong et al., col. 7, lines 51-54. Moreover, the Microsoft Computer Dictionary merely provides definitions that do not provide any suggestion or motivation whatsoever for the combination proposed by the Examiner.

Accordingly, the Examiner's proposed combination is unsupported by the teachings of the Wong et al. reference and the Microsoft Computer Dictionary. Thus, claim 1 and the respective dependent claims 2-16 are believed to be patentable over the

proposed combination of the Wong et al. reference in view of the Microsoft Computer Dictionary definitions. For these reasons, the Applicants respectfully request the Examiner to withdraw the rejections of claims 1-16 under 35 U.S.C. § 103.

Claim 17 and The Claims Depending Therefrom

Claim 17 recites:

A data communications system for a medical diagnostic facility, the system comprising:
a plurality of clients linked to an internal network, the clients including a medical diagnostic imaging system;
a data communications control system linked to the internal network for receiving client data from the clients, distributing addressed data to the clients, transmitting client data to a remote service provider and receiving addressed data from the remote service provider; and
an external network interface coupled to the data communications control system for transmitting the client data to the remote service provider and for receiving the addressed data from the remote service provider.

The Examiner rejected independent claim 17 under 35 U.S. §103(a) as being unpatentable over Wong et al. (U. S. Pat. No. 6,260,021) in view of the Microsoft Computer Dictionary. Applicants respectfully traverse this rejection. Applicants contend that the Examiner's rejection simply cannot stand for the following reasons. First, the Wong et al. reference does not disclose all of the claimed elements, as summarized below. Second, the Examiner's "well known in the art" reference, the Microsoft Computer Dictionary, fails to cure the deficiencies of the Wong et al. reference. Third, the Examiner's combination is improper, as the references provide no suggestion or motivation for the combination, and are inconsistent with the proposed combination. Finally, the references as combined fail to disclose at least the element of "the clients including a medical diagnostic imaging system."

1. The References Do Not Disclose At Least the Third Set of Recitations of Claim 17.

Claim 17 recites:

a plurality of clients linked to an internal network, the clients including a medical diagnostic imaging system.

The Examiner argues that this element is taught by the workstations 38 connected to the medical image server 12 via the network links 36 of the Wong et al. reference.

Claim 17 then recites:

a data communications control system linked to the internal network for receiving client data from the clients, distributing addressed data to the clients, transmitting client data to a remote service provider and receiving addressed data from the remote service provider; and an external network interface coupled to the data communications control system for transmitting the client data to the remote service provider and for receiving the addressed data from the remote service provider.

The Examiner admitted that the Wong et al. reference fails to explicitly teach this entire set of recitations.

As these latter elements are not disclosed in the Wong et al. reference, the Examiner alleged that these elements are "well known in the art." In the Response to the Office Action dated March 1, 2002, the Applicants respectfully requested the Examiner to provide support under M.P.E.P. § 2144.03 for the Examiner's apparent assertion of what is "well known in the art."

To provide support for the assertion of elements that are "well known in the art," the Examiner cited to the definitions of a Domain Name System ("DNS"), Domain Name System Server, and a Remote Access Server ("RAS") in the Microsoft Computer Dictionary. As discussed above, these definitions, however, do not cure the deficiencies of the Wong et al. reference.

2. The "Well Known in the Art" Reference Does Not Provide the Missing Elements.

As discussed above, the Microsoft Computer Dictionary does not disclose the elements of "a data communications control system" or "a remote service provider," as recited in claim 17. Rather, the DNS, DNS server, and RAS definitions fail to cure the deficiencies of the Wong et al. reference. Indeed, these generic definitions do not disclose the *data communications control system* or the *remote service provider* as those elements are described throughout the present application.

Accordingly, the Examiner's "well known in the art" assertions fail to render claim 17 and the respective dependent claims 18-31 obvious. Thus, claim 17 and the respective dependent claims 18-31 are believed to be patentable over the Wong et al. reference along with the definitions. For these reasons alone, the Applicants respectfully request the Examiner to withdraw the rejections of claims 17-31 under 35 U.S.C. § 103. However, in addition to these reasons, the Examiner's suggested combination is improper as discussed below.

3. The Proposed Combination is Not Supported by and is Inconsistent with the References.

As discussed above, the combination of the Wong et al. reference with the Microsoft Computer Dictionary is not supported by the references. Again, following the Examiner's analysis, even assuming the "plurality of clients linked to an internal network, the clients including a medical diagnostic imaging system" is taught by the workstations 38 connected to the medical image server 12 via the network links 36 of the Wong et al. reference. The *only* other elements connected to the medical image server 12 are the internal hospital systems. See Wong et al., Fig. 1.

Thus, under the Examiner's analysis, the medical image server 12 of Wong et al. must somehow be replaced by the Microsoft Computer Dictionary definitions to provide

the elements that are allegedly “well known in the art.” Again, the functions of the medical image server 12 of Wong et al. are, however, inconsistent with such replacement, and are antithetical to the language of claim 17. As noted above, according to Wong et al., the medical image server 12 is only taught to connect the network links 36 to the first tier items, which are internal hospital systems. According to claim 17, the data communications control system communicates with a *remote service provider* located on an *external network* and not on the internal hospital network.

Again, the medical image server 12 of Wong et al. provides uniform distribution of information from the hospital systems to the workstation 38. This is the only and essential function of the Wong et al. reference. This essential function is not and cannot be taught by the Microsoft Computer Dictionary. Clearly, the internal hospital systems of Wong et al. are not analogous to the DNS, DNS server, and RAS as proposed by the Examiner and would entirely lose their function in the Wong et al. system. Similarly, the essential function of the server 12 of Wong et al. would be completely redundant with the elements proposed by the Examiner.

As discussed above, the Wong et al. reference and the Microsoft Computer Dictionary do not provide any suggestion or motivation whatsoever for the combination proposed by the Examiner. Thus, the alleged combination is unsupported in the references.

Accordingly, the Examiner’s proposed combination is unsupported by the teachings of the Wong et al. reference and the Microsoft Computer Dictionary. Thus, claim 17 and the respective dependent claims 18-31 are believed to be patentable over the proposed combination of the Wong et al. reference in view of the Microsoft Computer Dictionary definitions. For these reasons, the Applicants respectfully request the Examiner to withdraw the rejections of claims 17-31 under 35 U.S.C. § 103.

4. The References Do Not Teach the Recitation of “The Clients Including a Medical Diagnostic Imaging System.”

Moreover, the references, alone or in combination, still fail to disclose the element of “clients including a medical diagnostic imaging system.” The Examiner asserts that the “clients including a medical diagnostic imaging system” is equivalent to the workstations 38 in the Wong et al. reference. However, this assertion is unfounded and unsupported by the Wong et al. reference. In the reference, the workstations 38 are merely client systems that are used to view images. Wong et al., col. 8, lines 53-59. In fact, the workstations 38 are clearly used to view reports and images, and are not “medical diagnostic imaging system,” as recited in the claims. Clearly, the reference does not disclose or teach that the workstations 38 are “medical diagnostic imaging system.”

Furthermore, the Examiner’s assumption regarding the inclusion of a medical diagnostic imaging system as a client is inconsistent with the teaching and problem addressed by Wong et al., which is a lack of uniformity in accessing stored images. See Wong et al., col. 3, lines 17-21. Indeed, the Wong et al. reference teaches that the workstations 38 should interface only with the medical image server 12, and not that the workstations 38 are or could be medical diagnostic imaging systems. In particular, the Wong et al. workstations 38 are merely defined as client systems and, as such, are not medical diagnostic imaging systems at all (e.g. MRI, ultrasound, CT, X-ray), as that term is used in the claimed context. Thus, the Examiner’s assumption is unsupported because the reference fails to disclose or teach that the workstations 38 are “medical diagnostic imaging systems.”

Accordingly, claim 17 and the respective dependent claims 18-31 are believed to be patentable over the proposed combination of the Wong et al. reference in view of the Microsoft Computer Dictionary definitions. For these reasons, the Applicants

respectfully request the Examiner to withdraw the rejections of claims 17-31 under 35 U.S.C. § 103.

Claim 32 and The Claims Depending Therefrom

Claim 32 recites:

A communications system for a medical diagnostic facility, the system comprising:
an internal network;
a plurality of clients configured for connection to the network for transmission of client data and for receipt of addressed data, the clients including a physically mobile client; and
a data communication control system coupled to the internal network and to an external network for communicating client data and addressed data between the clients and a remote service provider, the data communications control system being configured to automatically access client data including data indicative of a location of the mobile client.

The Examiner rejected independent claim 32 under 35 U.S. §103(a) as being unpatentable over Wong et al. (U. S. Pat. No. 6,260,021) in view of the Microsoft Computer Dictionary and Evans (U.S. Pat. No. 5,924,074). Applicants respectfully traverse this rejection. Applicants contend that the Examiner's rejection simply cannot stand for the following reasons. First, the Wong et al. reference does not disclose all of the claimed elements, as summarized below. Second, the Examiner's "well known in the art" reference, the Microsoft Computer Dictionary, fails to cure the deficiencies of the Wong et al. reference. Third, the Examiner's combination is improper, as the references provide no suggestion or motivation for the combination, and are inconsistent with the proposed combination. Finally, the references as combined fail to disclose at least the element of "data indicative of a location of the mobile client."

1. The References Do Not Disclose At Least the Some of Recitations of Claim 32.

Claim 32 recites:

an internal network.

The Examiner argues that this element is taught by the network links 36 in the Wong et al. reference.

Claim 32 further recites:

a plurality of clients configured for connection to the network for transmission of client data.

The Examiner argues that these elements are taught by the medical imaging server 12 and a plurality of network attached client workstations 38 in the Wong et al. reference.

Claim 32 then recites:

the clients including a physically mobile client; and
a data communication control system coupled to the internal network and to an external network for communicating client data and addressed data between the clients and a remote service provider, the data communications control system being configured to automatically access client data including data indicative of a location of the mobile client.

The Examiner admitted that the Wong et al. reference fails to explicitly teach this entire set of recitations.

As these latter elements are not disclosed in the Wong et al. reference, the Examiner alleged that these elements are "well known in the art." In the Response to the Office Action dated March 1, 2002, the Applicants respectfully requested the Examiner to provide support under M.P.E.P. § 2144.03 for the Examiner's apparent assertion of what is "well known in the art."

To provide support for the assertion of elements that are "well known in the art," the Examiner appears to rely on the definitions of a Domain Name System ("DNS"), Domain Name System Server, and a Remote Access Server ("RAS") in the Microsoft Computer Dictionary and cites the Evans reference. With regard to the Microsoft Computer Dictionary and as discussed above, these definitions do not cure the

deficiencies of the Wong et al. reference, as discussed with regard to claim 1. With the Evans reference, the Examiner is using this reference to disclose a laptop computer, which is equated to “a physically mobile client.”

2. The “Well Known in the Art” Reference to the Microsoft Computer Dictionary Does Not Provide the Missing Elements.

In this rejection, the Examiner appears to be using the Microsoft Computer Dictionary as a basis disclosing the “data communications control system” and the “remote service provider . However, as discussed above, for the Microsoft Computer Dictionary does not disclose the elements of “a data communications control system” or “a remote service provider,” as recited in claim 32. Thus, the DNS, DNS server, and RAS definitions fail to cure the deficiencies of the Wong et al. reference. Indeed, these generic definitions do not disclose the *data communications control system* or the *remote service provider* as those elements are described throughout the present application.

Accordingly, the Examiner’s “well known in the art” assertions fail to render claim 32 and the respective dependent claims 33-45 obvious. Thus, claim 32 and the respective dependent claims 33-45 are believed to be patentable over the Wong et al. reference along with the definitions. For these reasons alone, the Applicants respectfully request the Examiner to withdraw the rejections of claims 32-45 under 35 U.S.C. § 103. However, in addition to these reasons, the Examiner’s suggested combination is improper as discussed below.

3. The Proposed Combination is Not Supported by and is Inconsistent with the References.

Here again, the combination of the Wong et al. reference with the Microsoft Computer Dictionary is not supported by the references. Again, following the Examiner’s analysis, the “an internal network” is taught by the network links 36 in the

Wong et al. reference and the “plurality of clients configured for connection to the network for transmission of client data” is taught by the medical imaging server 12 and a plurality of network attached client workstations 38 in the Wong et al. reference. As with claim 1, in the Wong et al. reference, the *only* other element connected to the medical image server 12 are the internal hospital systems. See Wong et al., Fig. 1.

Thus, under the Examiner’s analysis, the medical image server 12 of Wong et al. must somehow be replaced by the Microsoft Computer Dictionary definitions to provide the elements that are allegedly “well known in the art.” The functions of the medical image server 12 of Wong et al. are, however, inconsistent with such replacement, and are antithetical to the language of claim 32. According to Wong et al., the medical image server 12 is only taught to connect the network links 36 to the first tier items, which are internal hospital systems. *This is exactly the opposite of the system of claim 32.* According to the claim, the data communications control system is communicating with a *remote service provider*, which is not on the internal hospital network.

Again, the medical image server 12 of Wong et al. provides uniform distribution of information from the hospital systems to the workstation 38. This is the only and essential function of the Wong et al. reference. This essential function is not and cannot be taught by the Microsoft Computer Dictionary. Clearly, the internal hospital systems of Wong et al. are not analogous to the DNS, DNS server, and RAS as proposed by the Examiner and would entirely lose their function in the Wong et al. system. Similarly, the essential function of the server 12 of Wong et al. would be completely redundant with the elements proposed by the Examiner.

Also, as discussed above, the Wong et al. reference and the Microsoft Computer Dictionary do not provide any suggestion or motivation whatsoever for the combination proposed by the Examiner. Thus, the alleged combination is unsupported in the references.

Accordingly, the Examiner's proposed combination is unsupported by the teachings of the Wong et al. reference and the Microsoft Computer Dictionary. Thus, claim 32 and the respective dependent claims 33-45 are believed to be patentable over the proposed combination of the Wong et al. reference in view of the Microsoft Computer Dictionary definitions. For these reasons, the Applicants respectfully request the Examiner to withdraw the rejections of claims 32-45 under 35 U.S.C. § 103. Yet, in addition to the reasons discussed above, the proposed combination still fails to disclose all of the elements claimed.

4. The References Fail to Teach "Data Indicative of a Location of the Mobile Client."

Moreover, the references, alone or in combination, still fail to disclose the element of "data indicative of a location of the mobile client." In the rejection, the Examiner admitted that the physically mobile client was not disclosed in the Wong et al. reference. Thus, to overcome the admitted missing element, the Examiner asserted that the Evans reference discloses a physically mobile client. However, while the Evans reference does include a laptop computer 418, the reference fails to disclose or teach "data indicative of a location of the mobile client," as recited in the claims. In fact, the computer laptop 418 is merely disclosed as a device that may attach to the LAN 400. Thus, the Evans reference, the Wong et al. reference, and the Microsoft Computer Dictionary do not disclose or teach "data indicative of a location of the mobile client."

Accordingly, claim 32 and the respective dependent claims 33-45 are believed to be patentable over the proposed combination of the Wong et al. reference in view of the Microsoft Computer Dictionary definitions and the Evans reference. For these reasons, the Applicants respectfully request the Examiner to withdraw the rejections of claims 32-45 under 35 U.S.C. § 103.

Claim 46 and The Claims Depending Therefrom

Claim 46 recites:

A method for communicating data in a medical diagnostic facility, the method comprising the steps of:

- (a) transmitting client data from a plurality of networked clients to a data communications control system via an internal network;
- (b) processing the client data in the data communications control system;
- (c) transmitting at least a portion of the client data from the data communications control system to a remote service provider via an external network.

The Examiner rejected independent claim 46 under 35 U.S. §103(a) as being unpatentable over Wong et al. (U. S. Pat. No. 6,260,021) in view of the Microsoft Computer Dictionary. Applicants respectfully traverse this rejection. Applicants contend that the Examiner's rejection simply cannot stand for the following reasons. First, the Wong et al. reference does not disclose all of the claimed elements, as summarized below. Second, the Examiner's "well known in the art" reference, the Microsoft Computer Dictionary, fails to cure the deficiencies of the Wong et al. reference. Finally, the Examiner's combination is improper, as the references provide no suggestion or motivation for the combination, and are inconsistent with the proposed combination.

1. The References Do Not Disclose At Least the Third Set of Recitations of Claim 46.

Claim 46 recites:

- (a) transmitting client data from a plurality of networked clients to a data communications control system via an internal network.

While the Examiner is not clear as to the specific elements, it is assumed by the Applicants that the Examiner is arguing that this element is partially taught by the workstations 38 connected to the network links 36 of the Wong et al. reference. It is further assumed that the Examiner is using the same basis for rejection that has been applied in the rejection of claim 1.

Claim 46 further recites:

- (b) processing the client data in the data communications control system;
- (c) transmitting at least a portion of the client data from the data communications control system to a remote service provider via an external network

The Examiner admitted that the Wong et al. reference fails to explicitly teach this entire set of recitations.

As these latter elements are not disclosed in the Wong et al. reference, the Examiner alleged that these elements are “well known in the art.” In the Response to the Office Action dated March 1, 2002, the Applicants respectfully requested the Examiner to provide support under M.P.E.P. § 2144.03 for the Examiner’s apparent assertion of what is “well known in the art.”

Again, to provide support for the assertion of elements that are “well known in the art,” the Examiner cited to the definitions of a Domain Name System (“DNS”), Domain Name System Server, and a Remote Access Server (“RAS”) in the Microsoft Computer Dictionary. As discussed above, these definitions, however, do not cure the deficiencies of the Wong et al. reference.

2. The “Well Known in the Art” Reference Does Not Provide the Missing Elements.

As discussed above, the Microsoft Computer Dictionary does not disclose the elements of “a data communications control system” or “a remote service provider,” as recited in claim 46. Thus, the DNS, DNS server, and RAS definitions fail to cure the deficiencies of the Wong et al. reference. Indeed, these generic definitions do not disclose the *data communications control system* or the *remote service provider* as those elements are described throughout the present application.

Accordingly, the Examiner's "well known in the art" assertions fail to render claim 46 and the respective dependent claims 47-54 obvious. Thus, claim 46 and the respective dependent claims 47-54 are believed to be patentable over the Wong et al. reference along with the definitions. For these reasons alone, the Applicants respectfully request the Examiner to withdraw the rejections of claims 46-54 under 35 U.S.C. § 103. However, in addition to these reasons, the Examiner's suggested combination is improper as discussed below.

3. The Proposed Combination is Not Supported by and is Inconsistent with the References.

As discussed above, the combination of the Wong et al. reference with the Microsoft Computer Dictionary is not supported by the references. Again, following the Examiner's analysis, the workstations 38 connect to the network links 36, which teaches the "transmitting client data from a plurality of networked clients" ... "via an internal network." As with claim 1, in the Wong et al. reference, the *only* other element connected to the network links 36 is the medical image server 12 that connects to internal hospital networks. See Wong et al., Fig. 1.

Thus, under the Examiner's analysis, the medical image server 12 of Wong et al. must somehow be replaced by the Microsoft Computer Dictionary definitions to provide the elements that are allegedly "well known in the art." The functions of the medical image server 12 of Wong et al. are, however, inconsistent with replacement, and are antithetical to the language of claim 46. According to Wong et al., the medical image server 12 is only taught to connect the network links 36 to the first tier items, which are internal hospital systems. Again, *this is exactly the opposite of the system of claim 46.* According to the claim, the data communications control system is communicating with a *remote service provider* located on an *external network*, which is not on the internal hospital network.

Again, the medical image server 12 of Wong et al. provides uniform distribution of information from the hospital systems to the workstation 38. This is the only and essential function of the Wong et al. reference. This essential function is not and cannot be taught by the Microsoft Computer Dictionary. Clearly, the internal hospital systems of Wong et al. are not analogous to the DNS, DNS server, and RAS as proposed by the Examiner and would entirely lose their function in the Wong et al. system. Similarly, the essential function of the server 12 of Wong et al. would be completely redundant with the elements proposed by the Examiner.

As discussed above, the Wong et al. reference and the Microsoft Computer Dictionary do not provide any suggestion or motivation whatsoever for the combination proposed by the Examiner. Thus, the alleged combination is unsupported in the references.

Accordingly, the Examiner's proposed combination is unsupported by the teachings of the Wong et al. reference and the Microsoft Computer Dictionary. Thus, claim 46 and the respective dependent claims 47-54 are believed to be patentable over the proposed combination of the Wong et al. reference in view of the Microsoft Computer Dictionary definitions. For these reasons, the Applicants respectfully request the Examiner to withdraw the rejections of claims 46-54 under 35 U.S.C. § 103.

Claim 55 and The Claims Depending Therefrom

Claim 55 recites:

A method for managing data communications in a medical diagnostic facility, the method comprising the steps of:

- (a) coupling a plurality of clients to an internal network, the clients including at least one physically mobile client;
- (b) transmitting client data from the clients to a data communications control system, the client data including at least data indicative of a location of the at least one mobile client; and

(c) storing the client data.

The Examiner rejected independent claim 55 under 35 U.S. §103(a) as being unpatentable over Wong et al. (U. S. Pat. No. 6,260,021) in view of the Microsoft Computer Dictionary and Evans (U.S. Pat. No. 5,924,074). Applicants respectfully traverse this rejection. Applicants contend that the Examiner's rejection cannot stand for the following reasons, as discussed above. First, the Wong et al. reference does not disclose all of the claimed elements, as summarized below. Second, the Examiner's "well known in the art" reference, the Microsoft Computer Dictionary, fails to cure the deficiencies of the Wong et al. reference. Finally, the references as combined fail to disclose at least the element of "data indicative of a location of the mobile client."

1. The References Do Not Disclose At Least the Some of Recitations of Claim 55.

Claim 55 recites:

- (a) coupling a plurality of clients to an internal network, ...
- (c) storing the client data.

While the Examiner is not clear as to the specific elements, it is assumed by the Applicants that the Examiner is arguing that this element is partially taught by the workstations 38 and the medical image server 12 being connected to the network links 36 of the Wong et al. reference. It is further assumed that the Examiner is using the same basis for rejection that has been applied in the rejection of claim 1.

Claim 55 further recites:

- (a) ... the clients including at least one physically mobile client;
- (b) transmitting client data from the clients to a data communications control system, the client data including at least data indicative of a location of the at least one mobile client.

The Examiner admitted that the Wong et al. reference fails to explicitly teach this entire set of recitations.

As these latter elements are not disclosed in the Wong et al. reference, the Examiner alleged that these elements are “well known in the art.” In the Response to the Office Action dated March 1, 2002, the Applicants respectfully requested the Examiner to provide support under M.P.E.P. § 2144.03 for the Examiner’s apparent assertion of what is “well known in the art.”

To provide support for the assertion of elements that are “well known in the art,” the Examiner appears to rely on the definitions of a Domain Name System (“DNS”) and Domain Name System Server in the Microsoft Computer Dictionary and cite the Evans reference. With regard to the Microsoft Computer Dictionary and as discussed above, these definitions do not cure the deficiencies of the Wong et al. reference. With the Evans reference, the Examiner is using this reference to disclose a laptop computer, which is equated to “a physically mobile client.”

2. The “Well Known in the Art” Reference to the Microsoft Computer Dictionary Does Not Provide the Missing Element.

In this rejection, the Examiner appears to be using the Microsoft Computer Dictionary as a basis disclosing the “data communications control system.” However, as discussed above, for the Microsoft Computer Dictionary does not disclose the element of “a data communications control system,” as recited in claim 55. Thus, the DNS and DNS server definitions fail to cure the deficiencies of the Wong et al. reference. Indeed, these generic definitions do not disclose the *data communications control system* as that term is used throughout the present application.

Accordingly, the Examiner’s “well known in the art” assertions fail to render claim 55 and the respective dependent claims 56-60 obvious. Thus, claim 55 and the respective dependent claims 56-60 are believed to be patentable over the Wong et al. reference along with the definitions. For these reasons alone, the Applicants respectfully